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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/068,149

02/06/2002

James W. McConnell

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06/02/2006

GARDNER GROFF SANTOS & GREENWALD, P.C.
2018 POWERS FERRY ROAD
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ATLANTA, GA 30339

EXAMINER

MCALLISTER, STEVEN B

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,149

Applicant(s)

MCCONNELL, JAMES W.

Examiner

Steven B. McAllister

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 37-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/2002, 10/2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I, claims 1-36 in the reply filed on 7/7/2005 is acknowledged. The traversal is on the ground(s) that searching both invention would not present a serious burden. This is not found persuasive because the inventions are distinct as is shown by their classification and different searches required. While search overlap may occur, the method and the apparatus are claimed such that the recite elements that are unique to each (for example, the method only recites that the receipt is issued, not that it is issued by the customer interface).

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-14, 16-21, 23-29, and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller et al (5,235,509) in view of Liebman (2003/0046166).

As to claim 1, Mueller shows a plurality of order entry automated order entry devices 14,16; a plurality of product delivery stations adapted for presenting the ordered

products, comprising the cashier stations (see e.g., cashier stations in plural clusters 10 of Fig. 3); and a main computer 50 in communication with all recited devices.

Mueller does not show a plurality of payment processing devices configured to receive and process at least some of the payments directly without an attendant.

Liebman shows this element, comprising the credit card processors of the plurality of order taking stations (see e.g., par 0013). It would have been obvious to one of ordinary skill in the art to modify apparatus of Mueller by providing the payment processing means of Liebman in order to reduce the need for employees and better handle peak load.

As to claims 2 ,3 and 6, Mueller in view of Liebman show all elements (Liebman shows the customer user interface providing the ticket), except a plurality of delivery stations display devices.

However, the examiner takes official notice that to do so is notoriously old and well known in the art to provide such display devices in communication with a main computer (e.g., a display showing the order number ready at a deli or displays associated with each window at the Motor Vehicle Administration). It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Mueller by providing delivery station display devices in order to show at which delivery station the order should be picked up and when.

As to claim 4, Mueller in view of Liebman show all additional elements. Mueller shows providing a bar code reader at the delivery station for wandng coupons, the

coupons having bar codes (e.g., col. 9, lines 10-18) and Liebman shows providing such coupons on the tickets.

As to claim 5, Mueller in view of Liebman show all elements except providing a delivery station identifier on the display and on the ticket. However, the examiner takes official notice that to do so is notoriously old and well known in the art. It would have been obvious to do so in order to speed pickup of the item.

As to claims 7, 11 and 12, Mueller in view of Liebman shows all elements.

As to claim 8, Mueller in view of Liebman show the computer sending the order to the delivery station with the fewest orders (e.g., col. 11, lines 9-15).

As to claim 9, Mueller in view of Liebman show a plurality of different types of products (chicken sandwich, fries, etc.) wherein each of the of the delivery stations deliver one or more of the types (they deliver all types per Mueller) and the main computer is programmed to send orders to the station output devices associated with the type of product (it is programmed to send it to any device, since stations are associated with all products).

As to claim 10, Mueller in view of Liebman show all elements of the claim, including that a payment indicia is included on the ticket, since it is necessary to include this information in order to avoid fraud by having customers who have not paid pick up their order without paying (in the case where paying by cash is chosen and a ticket/receipt is printed by the ordering kiosk of Liebman).

As to claim 10, alternatively, Mueller in view of Liebman show all elements except providing receipts with a payment indicia. However, the examiner takes official notice that it is notoriously old and well known in the art to provide such indicia on a receipt. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Mueller by providing receipts having this indicia in order to prevent fraud.

As to claims 13, 14, Mueller shows a plurality of user interface devices 14, 16 including order entry devices; a plurality of product delivery stations adapted for presenting the ordered products, comprising the cashier stations (see e.g., cashier stations in plural clusters 10 of Fig. 3); a plurality of delivery attendant output devices (e.g., 28, 34) associated with the product delivery stations configured to output the identifiers to the attendants; and a main computer 50 in communication with all recited devices and programmed to receive the orders and order identifiers and send the orders and order identifiers to the output devices.

Mueller does not show that the user interface devices have a payment processing device or that they output to the customers tickets with identifiers thereon corresponding to the order. The reference further does not show a plurality of delivery station devices configured to display variable order identifiers to the customers at the delivery stations.

Liebman shows providing payment processing means and outputting tickets with the order and order identifier at the user interface device. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Mueller as taught by Liebman in order to reduce the need for employees and better handle peak load, as well as to provide a means to clearly identify orders at the delivery station.

As to providing a plurality of delivery station display devices for use by the customers, the examiner takes official notice that to do so is notoriously old and well known in the art to provide such display devices to display variable indicia (e.g., displays showing the order number ready at a deli or displays associated with each window at the Motor Vehicle Administration). It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Mueller by providing delivery station display devices in order to show at which delivery station the order should be picked up and when.

As to claim 16, Mueller in view of Liebman show all elements except providing a delivery station identifier on the display and on the ticket. However, the examiner takes official notice that to do so is notoriously old and well known in the art. It would have been obvious to do so in order to speed pickup of the item.

As to claim 17, Mueller in view of Liebman show all elements of the claim, including that a payment indicia is included on the ticket, since it is necessary to include this information in order to avoid fraud by having customers who have not paid pick up

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their order without paying (in the case where paying by cash is chosen and a ticket/receipt is printed by the ordering kiosk of Liebman).

As to claim 17, alternatively, Mueller in view of Liebman show all elements except providing receipts with a payment indicia. However, the examiner takes official notice that it is notoriously old and well known in the art to provide such indicia on a receipt. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Mueller by providing receipts having this indicia in order to prevent fraud.

As to claim 18, Mueller in view of Liebman show all elements.

As to claim 19, Mueller in view of Liebman show all elements, including the computer sending the order to the delivery station with the fewest orders (e.g., col. 11, lines9-15).

As to claim 20, Mueller in view of Liebman show a plurality of different types of products (chicken sandwich, fries, etc.) wherein each of the of the delivery stations deliver one or more of the types (they deliver all types per Mueller) and the main computer is programmed to send orders to the station output devices associated with the type of product (it is programmed to send it to any device, since stations are associated with all products).

As to claim 21, Mueller shows a plurality of user interface devices 14, 16 including order entry devices; a plurality of product delivery stations adapted for

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presenting the ordered products, comprising the cashier stations (see e.g., cashier stations in plural clusters 10 of Fig. 3); a plurality of product preparation zones; a plurality of delivery attendant output devices (e.g., 28, 34) associated with the product preparation zones configured to output the identifiers to the attendants; and a main computer 50 in communication with all recited devices and programmed to receive the orders and order identifiers and send the orders and order identifiers to the output devices.

Mueller does not show that the user interface devices have a payment processing device .

Liebman shows providing payment processing. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Mueller as taught by Liebman in order to reduce the need for employees and better handle peak load.

As to claim 23, Mueller in view of Liebman show all elements, including the computer sending the order to the delivery station with the fewest orders (e.g., col. 11, lines9-15).

As to claim 24, Mueller in view of Liebman show a plurality of different types of products (chicken sandwich, fries, etc.) wherein each of the of the delivery stations deliver one or more of the types (they deliver all types per Mueller) and the main computer is programmed to send orders to the station output devices associated with the type of product (it is programmed to send it to any device, since stations are associated with all products).

As to claim 25, Mueller in view of Liebman show all elements (Liebman shows the customer user interface providing the ticket), except a plurality of delivery stations display devices.

However, the examiner takes official notice that to do so is notoriously old and well known in the art to provide such display devices in communication with a main computer (e.g., a display showing the order number ready at a deli or displays associated with each window at the Motor Vehicle Administration). It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Mueller by providing delivery station display devices in order to show at which delivery station the order should be picked up and when.

As to claim 26, Mueller in view of Liebman show all elements of the claim, including that a payment indicia is included on the ticket, since it is necessary to include this information in order to avoid fraud by having customers who have not paid pick up their order without paying (in the case where paying by cash is chosen and a ticket/receipt is printed by the ordering kiosk of Liebman).

As to claim 26, alternatively, Mueller in view of Liebman show all elements except providing receipts with a payment indicia. However, the examiner takes official notice that it is notoriously old and well known in the art to provide such indicia on a receipt. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Mueller by providing receipts having this indicia in order to prevent fraud.

As to claim 27, Mueller in view of Liebman shows all elements.

As to claims 28 and 29, Mueller shows a plurality of user interface devices 14, 16 including order entry devices; a plurality of product delivery stations adapted for presenting the ordered products, comprising the cashier stations (see e.g., cashier stations in plural clusters 10 of Fig. 3); a plurality of product preparation zones, each associated with one of the delivery stations; a plurality of delivery attendant output devices (e.g., 28, 34) associated with the product preparation zones configured to output the identifiers to the attendants; and a main computer 50 in communication with all recited devices and programmed to receive the orders and order identifiers and send the orders and order identifiers to the output devices.

Mueller does not show that the user interface devices have a payment processing device or that they output to the customers tickets with identifiers thereon corresponding to the order. The reference further does not show a plurality of delivery station devices configured to the order identifiers to the customers at the delivery stations.

Liebman shows providing payment processing means and outputting tickets with the order and order identifier at the user interface device. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Mueller as taught by Liebman in order to reduce the need for employees and better handle peak load, as well as to provide a means to clearly identify orders at the delivery station.

As to providing a plurality of delivery station display devices to display order identifiers to the customers, the examiner takes official notice that to do so is notoriously

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old and well known in the art to provide such display devices (e.g., displays showing the order number ready at a deli or displays associated with each window at the Motor Vehicle Administration). It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Mueller by providing delivery station display devices to display order identifiers in order to show at which delivery station the order should be picked up and when.

As to claim 31, Mueller in view of Liebman show all elements except providing a delivery station identifier on the display and on the ticket. However, the examiner takes official notice that to do so is notoriously old and well known in the art. It would have been obvious to do so in order to speed pickup of the item.

As to claim 32, Mueller in view of Liebman show all elements of the claim, including that a payment indicia is included on the ticket, since it is necessary to include this information in order to avoid fraud by having customers who have not paid pick up their order without paying (in the case where paying by cash is chosen and a ticket/receipt is printed by the ordering kiosk of Liebman).

As to claim 32, alternatively, Mueller in view of Liebman show all elements except providing receipts with a payment indicia. However, the examiner takes official notice that it is notoriously old and well known in the art to provide such indicia on a receipt. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Mueller by providing receipts having this indicia in order to prevent fraud.

As to claims 33-36, Mueller in view of Liebman show all elements.

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Claims 4, 15 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller et al in view of Liebman as applied to claims 1, 3, 13, 14, 28 and 29 above, and further in view of Iguchi et al (2005/0261971).

Mueller in view of Liebman show all elements except that the tickets have codes on them and that the computer is programmed to remove the order identifier from the delivery station screen in response to the code being read.

Iguchi shows this element (see e.g., Fig. 27). It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Mueller as taught by Iguchi to automatically identify orders and purge them so that they will not be inadvertently filled again.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liebman (2003/0046166) in view of Mueller et al (5,235,509).

Liebman shows a plurality of user interface devices having an order entry device and a payment processing device; a product delivery station; a product preparation zone associated with the product delivery station; a delivery attendant output device; and a main computer.

Liebman does not show that there are a plurality of the product delivery stations, product preparations zones, or delivery attendant output devices.

Mueller shows these elements. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Liebman by providing a plurality of the recited elements in order to provide greater capacity.

As to claim 22, Liebman in view of Mueller shows all elements except that each product delivery station is dedicated to one of the order entry devices. However, it would have been an obvious matter of design choice to dedicate each product delivery station to one order entry device since the application does not disclose that the dedication is for any particular reason or solves a particular problem, and it appears that the system would function equally well in either configuration.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (571) 272-6785. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272-6771. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Steven B. McAllister

Steven B. McAllister
Primary Examiner
Art Unit 3627

STEVE B. MCALLISTER
PRIMARY EXAMINER